

REMARKS

1. Applicant thanks the Examiner for his remarks and observations, which have greatly assisted Applicant in responding.

5

2. Claim 1 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant amends claim 1 to described a "Computer-implemented method." Because the claim, as amended, meets the *Toma* test, claim 1 is now deemed to describe statutory subject matter.

10 Thus, the present rejection is overcome.

3. The pending claims stand rejected under 35 USC 103(a) as being unpatentable over Pricescan in view of U.S. Publication No. 2002/0160766 ("Portman").

15

Responsive thereto, applicant submits herewith a declaration from each of the inventors—Srinivas Lingutla, Kamal Acharya, Vincent Tong, Peter Gremett, Matthew Crampton and Ellen Patterson—pursuant to 37 CFR § 1.131, by which the inventors swear behind the Portman reference. Accordingly, the 20 Portman reference is not available as prior art and the claims are now deemed to be in allowable condition.

Applicant respectfully requests the examiner withdraw rejections and issue a notice of allowance such that the patent application may pass to issuance as 25 a U.S. Letters Patent at an early date. Should the examiner find it helpful, he is encouraged to contact applicant's attorney at 650-474-8400.

Respectfully submitted,

Julia A. Thomas

Julia A. Thomas
Reg. No. 52,283

35 Customer No. 22,862